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Henry S. Breiteneicher
Associate Executive Secretary
National Labor Relations Board
1099 14th Street NW
Washington DC 20570

Re: Domsey Trading Corporation, et al
Cases 29-Ca-014548, et al.

Dear Mr. Breiteneicher:

I write in respect of your letter dated June 24, 2013 in which you decline to forward our submission to the Board for consideration. You cite non-compliance with Section 102.46 (b)(1) of the Rules and Regulations as the basis for your determination.


We take issue with your determination which elevates form over substance. The exception we press throughout is to the failure of Judge Marcionese to require the production for cross-examination of the majority of the discriminatees in this case based on an over-narrow reading of the Second Circuit decision, remanding the case because such cross-examination had been improperly denied in the prior trial.

Further, as the Brief expressly notes in Point III, after Board counsel disclosed that data from the Department of Homeland Security was available which could definitively resolve the issues in this case, available to the Board on an agency to agency basis, Judge Marcionese nevertheless declined to order Board counsel to request that information.

That ruling coupled with the failure to require the discriminatees to appear for cross-examination have deprived respondents of a fair trial. These issues pervade the record and are specifically addressed in the brief we have tendered.

We ask that you reconsider your determination and allow for appropriate Board review in this twenty-two year old case.

Respectfully,
Margolin & Pierce, LLP,

By: 
Philip Pierce
Counsel for the Respondents

cc: By Facsimile
John P. Gibbons, Jr., Esq.
Jeffrey A. Meyer, Esq.
Arthur Kaufman, Esq.
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